

### REMARKS

This Corrected Amendment and Response to Office Action is being submitted in response to a Notice of Non-Compliant Amendment dated October 6, 2004.

The present application was filed on September 19, 2003 with claims 1-36. The present response amends claims 1, 3, 5, 8, 10, 13, 15, and 29 and cancels claims 7, 12, 17, and 30. Amendments to the claims are supported, *inter alia*, by FIGS. 1 and 3 and by page 7, line 9 to page 9, line 10. No new matter has been added. Consequently, the current claims are 1-6, 8-11, 13-16, 18-29, and 31-36. The independent claims are claims 1, 8, 13, 18, 23, 27, 29, 32, 35, and 36.

In the outstanding Office Action, the Examiner (1) rejected claims 1-6, 8-11, 13-16, 29, and 31 under 35 USC §102(b) as being anticipated by Taguchi, U.S. Patent No. 5,463,716; (2) allowed claims 18-28 and 32-36; and (3) objected to claims 7, 12, 17, and 30 as being dependent on a rejected base claim but indicated that such claims would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Regarding independent claims 1, 8, and 13, Applicant has made amendments to these claims to clarify that the filter coefficient, in an exemplary embodiment, is determined from a filter applied to at least a portion of the current pattern data and is used to determine the spectral peak information. See, for instance, pages 7 and 8 (e.g., Equation 4 of page 8) of Applicant's specification.

Regarding independent claims 1, 8, 13, and 29, the Examiner objected to claims 7, 12, 17, and 30 as being dependent on a rejected base claim but indicated such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has canceled claims 7, 12, 17, and 30 and have amended independent claims 1, 8, 13, and 29 to include the limitations of claims 7, 12, 17, and 30, respectively. Consequently, Applicant respectfully submits that amended independent claims 1, 8, 13, and 29 are patentable. Because claims 1, 8, 13, and 29 are patentable, their respective dependent claims 2-6, 9-11, 14-16, and 31 are also patentable.

Applicant respectfully submits that claims 1-6, 8-11, 13-16, 18-29, and 31-36 are patentable. The Examiner's attention to this matter is appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Mason". The signature is fluid and cursive, with the first name "Kevin" and last name "Mason" clearly distinguishable.

Date: October 14, 2004

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